

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In The Matter of

Advanced Television Systems and  
Their Impact Upon the Existing  
Television Broadcast Service

MB Docket No. 87-268

DOCKET FILE COPY ORIGINAL

FILED/ACCEPTED

OCT 25 2007

Federal Communications Commission  
Office of the Secretary

**PETITION FOR RECONSIDERATION**

Marcia T. Turner d/b/a Turner Enterprises (Turner), by her attorney, requests reconsideration of the Commission's Seventh Report and Order and Eighth Further Notice of Proposal Rule Making, FCC 07-138, released August 6, 2007.<sup>1</sup> ("Report and Order") In support, Turner respectfully submits the following:

**BACKGROUND**

Turner is the licensee of KIDA(TV), Facility Id. No. 81570, licensed to Sun Valley, Id. It is licensed to operate on Channel 5. Pursuant to its filing of May 26, 2006, FCC Form 386, Turner elected to utilize Channel 32 as her DTV Channel (See Attachment A). Appendix A to the Report and Order reflects Channel 32 in the Post-Transaction DTV of Allotments (Attachment B). See also Appendix B (Attachment C).

Turner seeks reconsideration of the specification of Channel 32 as her DTV channel. Rather, Turner requests a change in the table of allotments to specify DTV operation on Channel 5, which is the current NTSC Channel of operation for KIDA(TV).

---

<sup>1</sup> Publication in the Federal Register occurred on September 26, 2007, 72 Fed Reg. No. 186, pgs. 54719-54773.

No. of Copies rec'd 0+4  
List ABCDE

**ORIGINAL**

## ARGUMENT

Attached to the instant submission is an Engineering Statement of Turner' consulting engineer, B. W. St. Clair (Attachment D). In that Statement, Mr. St. Clair states the following:

"A search of the FCC's CDBS was conducted to find al stations on Channel 5 and the adjacent Channel 6. The search radius was set for 274 km. There are no" co-channel stations within this distance.

No channel 6 stations were found between the distance of 20 km and 110 km.

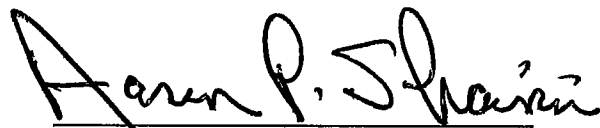
The Appendix B proposed digital TV channel assignments was consulted to determine if any channel 5 or 6 stations are proposed in the states of Idaho, Montana, Nevada, Wyoming or Utah. None were found that would fall within the mileage distances listed in the FCC rules.

Turner has realized that it is not economically prudent to fully build-out DTV Channel 32. For example, it can utilize its existing Channel 5 antenna for DTV operation. Its prior decision to build-out Channel 32 for DTV operation was made without fully understanding the full financial implications of that decision.

## CONCLUSION

In light of the fact that there would be no impact to any other licensee, it is urged that the Commission grant reconsideration and allow Turner to utilize Channel 20 for its post transition DTV channel.

Respectfully submitted,



Aaron P. Shainis  
Counsel for  
Marcia T. Turner  
d/b/a Turner Enterprises

## **ATTACHMENT A**

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-1072 (October 2004)	FOR FCC USE ONLY
<b>FCC 386</b>		
<b>DIGITAL CHANNEL ELECTION FORM THIRD ROUND ELECTION</b>		FOR COMMISSION USE ONLY FILE NO. - 20060526AKI
<b>Must Be Filed by:</b>		
Please Read INSTRUCTIONS Before Completing This Form		

**Section I - General Information**

<b>Licensee/Permittee Information</b>			
1.	Legal Name of the Licensee/Permittee MARCIA T. TURNER D/B/A TURNER ENTERPRISES		
	Mailing Address P. O. BOX 435		
	City LONG KEY	State or Country (if foreign address) FL	ZIP Code 33001 - 0435
	Telephone Number (include area code) 9547329539	E-Mail Address (if available) MTURNERCO@AOL.COM	
<b>Station / Facility Information</b>			
2.	FCC Registration Number 0005092903		
	Call Sign KIDA	Facility ID Number 81570	
	Community of License: City SUN VALLEY	State ID	
3.	<b>Currently Assigned Channels:</b>		
	a. DTV Channel: <input checked="" type="checkbox"/> Not Applicable		
	b. NTSC Channel: 5 <input type="checkbox"/> Not Applicable		
<b>Contact Information (if different from licensee/permittee)</b>			
4.	Contact Representative AARON P. SHAINIS		
	Firm or Company Name SHAINIS & PELTZMAN, CHARTERED		
	Mailing Address 1850 M STREET, NW SUITE 240		
	City WASHINGTON	State or Country (if foreign address) DC	ZIP Code 20036 -
	Telephone Number (include area code) 2022930011	E-Mail Address (if available) AARON@S-PLAW.COM	
<b>Purpose of Form:</b>			
5.	The purpose of the channel election process is for television broadcast licensees and permittees to select an in-core channel (i.e., channels 2-51) for their post-transition DTV operation. The purpose of the Third Round Election Form is for any licensee/permittee that has not received a tentative channel designation by this time to make a channel election. In addition, licensees/permittees with a tentative channel designation for a low VHF channel (i.e., 2-6) or a channel subject to international coordination issues may use this form to make an alternate channel election. (SELECT ONE)		
	a. <input checked="" type="radio"/> Channel Election		
	b. <input type="radio"/> Amendment		

**Section II - CHANNEL ELECTION**

All television broadcast licensees and permittees participating in the digital channel election process are required to file a channel election form. Licensees/permittees that do not submit a required channel election form by the deadline on page one will be assigned a channel by the Commission for post-transition DTV operation.

**Third Round Channel Election:**

<b>1. Status: (SELECT ONE)</b>	
a. <input checked="" type="radio"/>	Licensee/permittee has not received a tentative channel designation for post-transition DTV operation through the channel election process.
b. <input type="radio"/>	<p>Licensee/permittee has received a tentative channel designation for post-transition DTV operation, but requests an alternate election because its current tentative channel designation is for a low VHF channel or a channel subject to (or adversely affected by) international coordination issues.</p> <p>Licensee/permittee must provide the number of its tentative channel designation here.</p> <p>If the alternate channel elected below can be accommodated, post-transition rights to the tentative channel designation will be released.</p>
<b>2. Channel Election: (SELECT ONE).</b>	
a. <input checked="" type="radio"/>	<p>Licensee/permittee makes the following channel election</p> <p>Indicate number of in-core channel preference for final DTV operation based on available channels here.</p> <p style="text-align: center;">32</p>
b. <input type="radio"/>	<p>Licensee/permittee has entered into a Negotiated Channel Election Arrangement and, accordingly, makes the following channel election, subject to Commission approval:</p> <p>Indicate number of in-core channel number for final DTV operation here.</p> <p><b>Licensee/permittee must complete Schedule A.</b></p>
c. <input type="radio"/>	Licensee/permittee requests that the Commission determine and select a "best available" channel for the licensee/permittee in this round, and hereby surrenders any rights to elect a channel for post-transition DTV operation.
<b>International Coordination:</b>	
3. Is the licensee/permittee electing a channel that is subject to a pending international coordination issue?	<input type="radio"/> Yes <input checked="" type="radio"/> No
If yes, licensee/permittee must attach an explanation as an Exhibit to this form.	[Exhibit 1]

**Section III**

I certify that the statements in this form are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this election form. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing MARCIA T. TURNER	Typed or Printed Title of Person Signing OWNER
Signature	Date 5/26/2006

WILLEFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

---

### Exhibits

---

## **ATTACHMENT B**

## APPENDIX A

RULE CHANGES  
(POST-TRANSITION DTV TABLE OF ALLOTMENTS)<sup>1</sup>

Part 73 of the Commission's Rules and Regulations (Chapter I of title 47 of the Code of Federal Regulations) is amended as follows:

## PART 73 -- RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336 and 339.

2. Section 73.622 is amended by adding new paragraph (i) to read as follows:

§ 73.622 Digital television table of allotments.

\* \* \* \* \*

- (i) Post-Transition Table of DTV Allotments.

## ALABAMA

Community	Channel No.
Anniston	9
Bessemer	18
Birmingham	<b>*10, 13, 30, 36, 50</b>
Demopolis	<b>*19</b>
Dothan	21, 36
Dozier	<b>*10</b>
Florence	14, 20, <b>*22</b>
Gadsden	26, 45
Gulf Shores	25
Homewood	28
Huntsville	19, <b>*24, 32, 41, 49</b>
Louisville	<b>*44</b>
Mobile	9, 15, 20, 23, 27, <b>*41</b>
Montgomery	12, 16, <b>*27, 32, 46</b>
Mount Cheaha	<b>*7</b>
Opelika	47
Ozark	33
Selma	29, 42
Troy	48
Tuscaloosa	23, 33
Tuskegee	22

<sup>1</sup> Note: Changes from proposed post-transition DTV Table of Allotments are in bold.



Athens	*8, 48
Atlanta	10, 19, 20, *21, 25, 27, 39, *41, 43
Augusta	12, 30, 42, 51
Bainbridge	49
Baxley	35
Brunswick	24
Chatsworth	*33
Cochran	*7
Columbus	9, 15, *23, 35, 49
Cordele	51
Dalton	16
Dawson	*8
Macon	13, 16, 40, 45
Monroe	44
Pelham	*6
Perry	32
Rome	51
Savannah	*9, 11, 22, 39
Thomasville	46
Toccoa	24
Valdosta	43
Waycross	*8
Wrens	*6

## HAWAII

Community	Channel No.
Hilo	9, 11, 13, 22, 23
Honolulu	8, 9, *10, *11, 19, 23, 27, 31, 33, 35, 40, *43
Kailua	50
Kailua Kona	25
Kaneohe	41
Wailuku	7, *10, 12, 16, 21, 24
Waimanalo	38

## IDAHO

Community	Channel No.
Boise	7, *21, 28, 39
Caldwell	10
Coeur D'alene	*45
Filer	*18
Idaho Falls	8, 20, 36
Lewiston	32
Moscow	*12
Nampa	12, 24
Pocatello	15, *17, 23, 31
Sun Valley	32
Twin Falls	11, *22, 34

## **ATTACHMENT C**

Facility ID	State and City	NTSC		DTV									
		Chan	Chan	ERP (kW)	HAAT (m)	Antenna ID	Latitude (DDMMSS)	Longitude (DDDMSS)	Area (sq km)	Population (thousand)	% Interference Received		
29086	IA	MASON CITY	24	18	500	437	41152	432220	924959	30335	598	0	
66402	IA	MASON CITY	3	42	1000	447		432220	924959	38283	717	1.2	
81509	IA	NEWTON	39	39	116	154	74772	414905	931232	11998	651	0	
53820	IA	OTTUMWA	15	15	50	332	74372	411142	915715	17119	305	0.1	
29085	IA	RED OAK	36	35	600	475	32182	412040	951521	30526	932	0.1	
11265	IA	SIOUX CITY	9	9	22.3	616	74480	423512	961357	44501	639	1.5	
29096	IA	SIOUX CITY	27	28	475	348		423053	961815	29270	353	0	
39665	IA	SIOUX CITY	14	39	1000	611		423512	961319	45543	662	0	
66170	IA	SIOUX CITY	4	41	873	609		423512	961318	44386	655	0	
77451	IA	SIOUX CITY	44	44	914	587	75037	423512	961318	37919	553	0.7	
593	IA	WATERLOO	7	7	3.2	527	74624	422402	915036	29923	770	1.7	
81595	IA	WATERLOO	22	22	80.9	198	74750	422453	920034	14283	453	0.2	
29114	IA	WATERLOO	32	35	250	584		421859	915131	35668	869	1	
34858	ID	BOISE	7	7	39.8	785	74994	434516	1160556	42508	556	0	
62442	ID	BOISE	4	21	725	858	66936	434521	1160554	35287	552	0	
49760	ID	BOISE	2	28	978	777	74847	434517	1160553	45215	558	0	
35097	ID	BOISE	39	39	50	534	74773	434423	1160815	10348	464	0	
59363	ID	CALDWELL	9	10	14	818	41421	434518	1160552	30230	551	0	
62424	ID	COEUR D'ALENE	26	45	50	465	74848	474354	1164347	14948	548	0	
12284	ID	FILER	19	18	50	161	74849	424347	1142452	13431	132	0	
66258	ID	IDAHO FALLS	8	8	63	463		433003	1123936	42673	272	0	
41238	ID	IDAHO FALLS	20	20	50	223	74745	434544	1115730	14669	165	0	
56028	ID	IDAHO FALLS	3	36	200	457	28614	432951	1123950	22981	247	0	
56032	ID	LEWISTON	3	32	200	361	29292	462727	1170556	16016	133	0	
62382	ID	MOSCOW	12	12	78	340		464054	1165813	35130	238	12.7	
28230	ID	NAMPA	12	12	17	829		434518	1160552	41395	555	0.2	
59255	ID	NAMPA	6	24	823	811	74850	434520	1160555	45069	558	0	
86205	ID	POCATELLO	15	15	251	327	74733	425150	1123110	16199	216	0	
62430	ID	POCATELLO	10	17	190	465	74851	433002	1123936	29893	260	0	
1270	ID	POCATELLO	6	23	505	452	28852	425515	1122044	24439	241	0	
78910	ID	POCATELLO	31	31	72.3	447	75065	425515	1122044	12855	207	0.1	
81570	ID	SUN VALLEY	5	32	1000	572	74711	432647	1141252	28884	161	0	
35200	ID	TWIN FALLS	11	11	16.4	323	74393	424348	1142452	27640	152	0	
62427	ID	TWIN FALLS	13	22	50	161	74852	424347	1142452	12892	124	0	

## **ATTACHMENT D**

2355 Ranch Drive, Westminster, CO 80234  
Phone: 303-465-5742 ~ Fax: 303-465-4067  
E-Mail: stcl@comcast.Net

***B. W. St. Clair***

---

**ENGINEERING STATEMENT**  
in support of  
**KIDA-TV's APPLICATION**  
to use  
**CHANNEL 5 FOR ITS DIGITAL ASSIGNMENT**

**BACKGROUND**

Marcia Turner d/b/a Turner Enterprises is filing an application to change its digital channel assignment from channel 32 to channel 5. Criteria for determining if channel 5 is available included the rules listed in the FCC's Seventh Report and Order, MB Docket 87-268. Additional resources included Appendix B of FCC 07-138.

**ANALYSIS**

A search of the FCC's CDBS was conducted to find all stations on channel 5 and the adjacent channel 6. The search radius was set for 274 km. There are no cochannel stations within this distance.

No channel 6 stations were found between the distance of 20 km and 110 km.

The Appendix B proposed digital TV channel assignments was consulted to determine if any channel 5 or 6 stations are proposed in the states of Idaho, Montana, Nevada, Wyoming or Utah. None were found that would fall within the mileage distances listed in the FCC rules.

**CONCLUSION**

An analysis of the separation distances required by FCC rules for digital, full-service TV stations showed that no stations were found within those limits.

Therefore, we believe the criteria has been met to grant the change of channel from 32 to 5.

Respectfully submitted,



B. W. St. Clair  
Engineering Consultant  
October 5, 2007